

This instrument prepared by:)
K. Andrew Hall, Esq.)
Krass Monroe PA)
8000 Norman Center Drive, Suite 1000)
Minneapolis, MN 55437)

For Recorder's Use Only

MEMORANDUM OF LEASE

This Memorandum of Lease is made and entered into as of July 31, 2006 by and between **Capital Real Estate Investments LLC**, an Alabama limited liability company and **Pacifica Katie Avenue LLC**, a Nevada limited liability company, as tenants-in-common, on the one hand (collectively, "Landlord"), and **Bama Star LLC**, a Delaware limited liability company, on the other hand ("Tenant") who agree as follows:

1. Terms and Premises. Landlord leases to Tenant and Tenant leases from Landlord that certain real property (the "Premises"), which legal description is attached hereto and incorporated herein as Exhibit "A," commonly known as:

Highway 31 South
Alabaster, Alabama 35007
County of Shelby

commencing on July 31, 2006 and continuing for a period of twenty years from July 31, 2006 with Tenant having two-five year options to extend the term of the Lease.


2. Purpose of Memorandum of Lease. This Memorandum of Lease is prepared for the purpose of recordation and does not modify the provisions of the lease dated July 31, 2006 and entered into by and between Landlord and Tenant (the "Lease"). The Lease is incorporated herein by reference. If there are any conflicts between the Lease and this Memorandum of Lease, the provisions of the Lease shall prevail.

THE REMAINDER OF THIS PAGE WAS LEFT BLANK INTENTIONALLY.



20060807000381500 2/5 \$794.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:04PM FILED/CERT

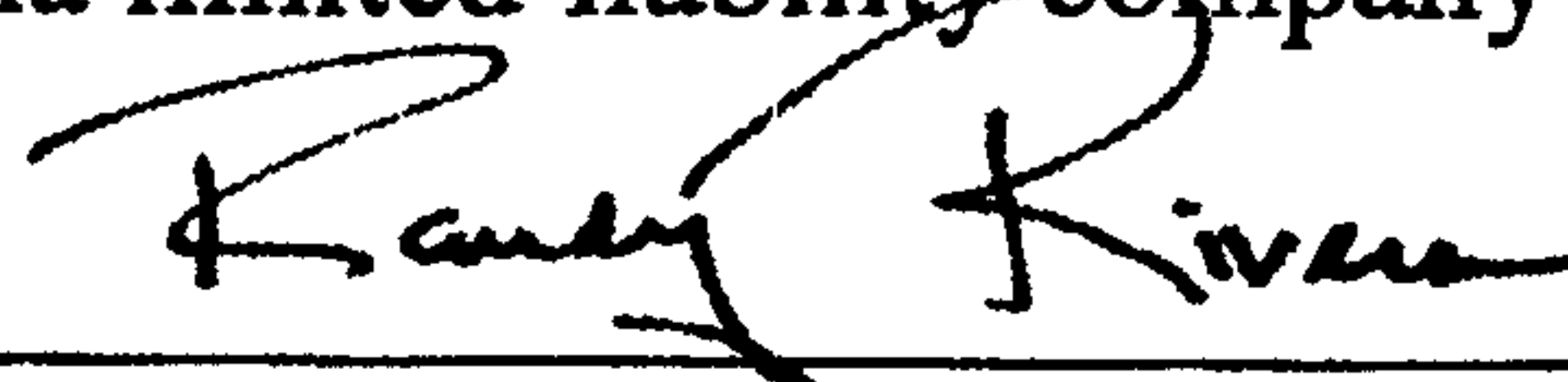
Dated this 28 day of July, 2006.
Signed, sealed and delivered in the presence of


unofficial witness


unofficial witness

LANDLORD:

Capital Real Estate Investments LLC,
An Alabama limited liability company

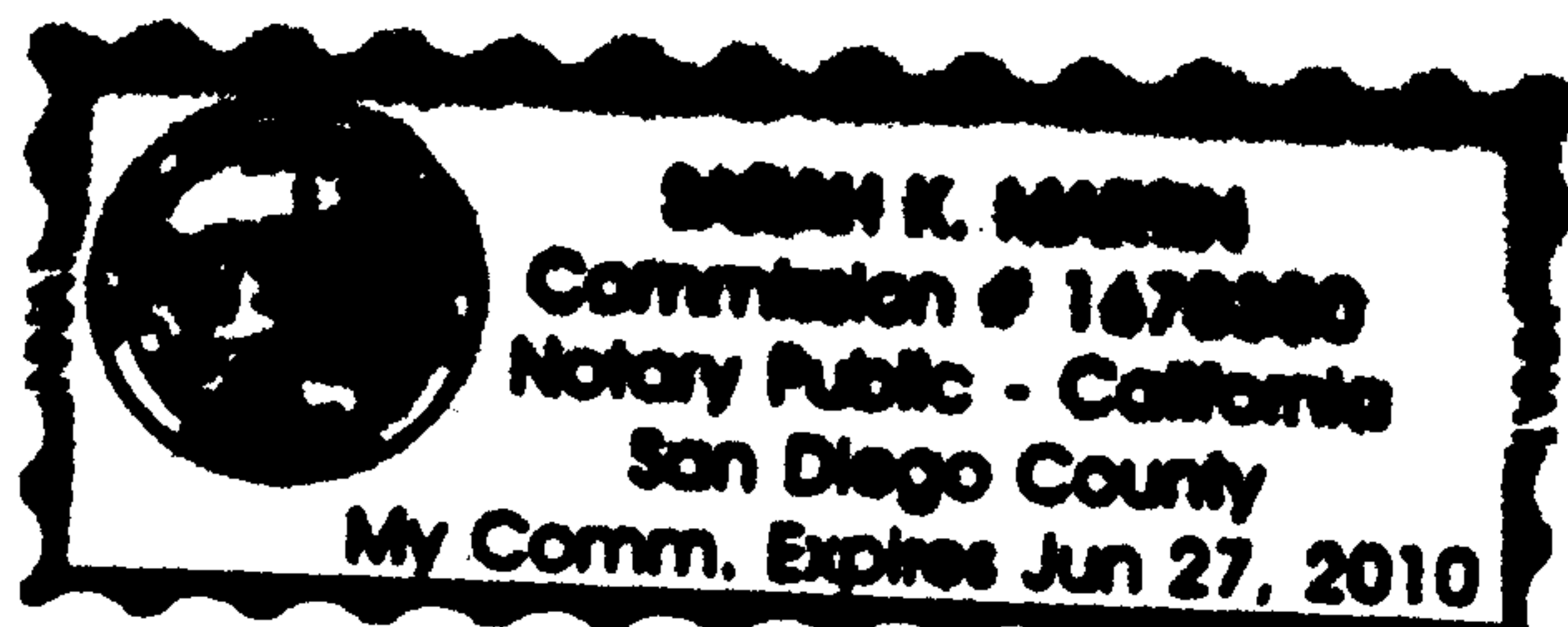
By: 
Randy Rivera, its Manager


STATE OF CALIFORNIA

COUNTY OF San Diego

I, the undersigned Notary Public hereby certify that Randy Rivera, whose name as Manager of Capital Real Estate Investments LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and notarial seal this 28th day of June, 2006




Notary Public
My Commission Expires: June 27th 2010

Dated this 28 day of July, 2006.
Signed, sealed and delivered in the presence of

Evelita Merguel
unofficial witness

Audrey Small
unofficial witness

LANDLORD:

Pacifica Katie Avenue LLC,
A Nevada limited liability company

By: PAC Katie Avenue, Inc.
A Nevada corporation, its Manager

By: Deepak Israni
Deepak Israni, its Secretary

STATE OF CALIFORNIA

COUNTY OF San Diego

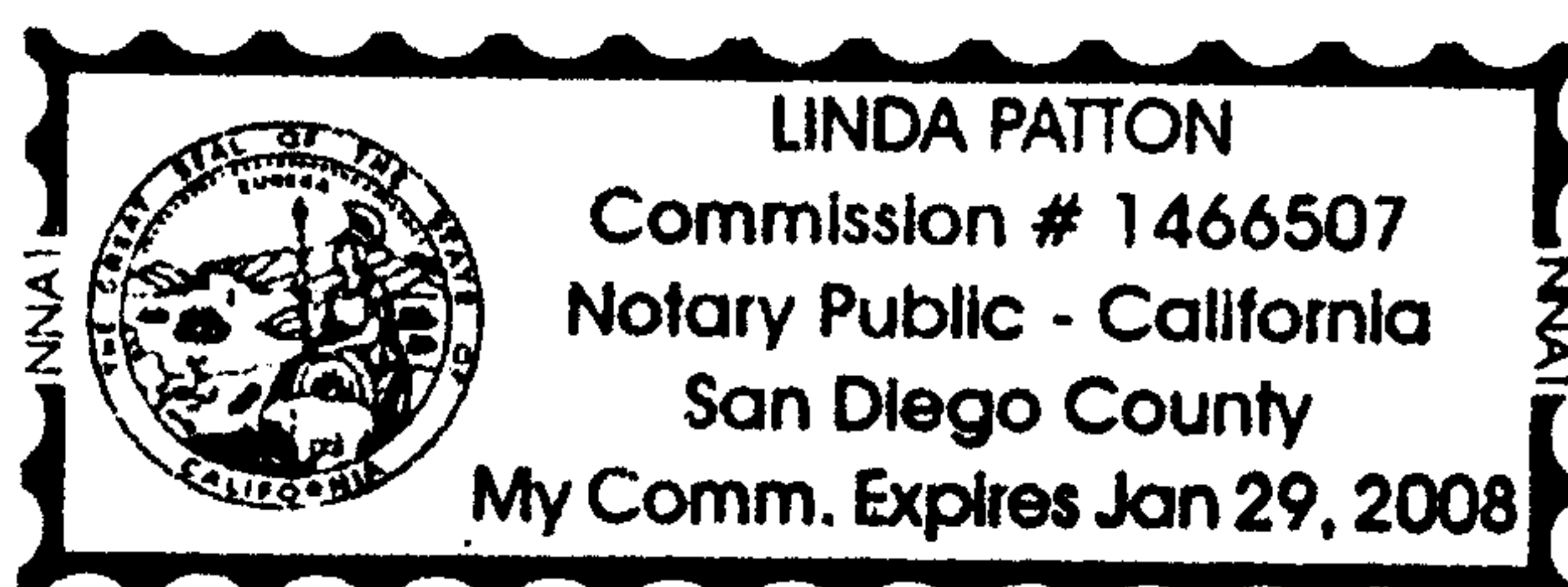
I, the undersigned Notary Public hereby certify that Deepak Israni, whose name as Manager of PAC Katie Avenue LLC, an Nevada corporation, the manager of Pacifica Katie Avenue LLC, a Nevada limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and notarial seal this 28 day of July, 2006.

Linda Patton



Notary Public

My Commission Expires: 29 Jan. 2008



20060807000381500 4/5 \$794.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:04PM FILED/CERT

Dated this 31 day of July, 2006.
Signed, sealed and delivered in the presence of


unofficial witness

unofficial witness

TENANT:
Bama Star LLC,
a Delaware limited liability company


By: 
Frank C. Heath, Jr., its Manager

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned Notary Public hereby certify that Frank C. Heath, Jr., whose name as Manager of Bama Star LLC, a Delaware limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, s/he, as such Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and notarial seal this 31 day of July, 2006


Notary Public
My Commission Expires 9/24/2007

THIS INSTRUMENT WAS DRAFTED BY:
K. Andrew Hall, Esq.
Krass Monroe PA
8000 Norman Center Drive, Suite 1000
Minneapolis, MN 55437



0. 1378

20060807000381500 5/5 \$794.50
Shelby Cnty Judge of Probate, AL
08/07/2006 03:10:04PM FILED/CERT

Commitment Number: 4875T-05T

Shelby County, AL 08/07/2006
State of Alabama

EXHIBIT "A"

Deed Tax: \$771.50

A part of the Southwest quarter of the Southwest quarter of Section 25, Township 20 South, Range 3 West and the Southeast quarter of the Southeast quarter of Section 26, Township 20 South, Range 3 West more particularly described as follows: Begin at the Southwest corner of Section 25 and run East along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right-of-way line of U.S. Highway 31; thence turn an angle to the left of 75°29' and run Northerly along said Westerly right-of-way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue along said Westerly right-of-way line a distance of 166.0 feet to a point; thence turn an angle to the left of 90°00' and run Westerly a distance of 269.93 feet to a point on the Easterly right-of-way line of the Louisville and Nashville Railroad; thence turn an angle to the left of 97°38'30" and run Southerly along said Easterly right-of-way line a distance of 167.49 feet to a point; thence turn an angle to the left of 82°21'30" and run Easterly a distance of 247.66 feet to the point of beginning.

And being further described as:

A part of the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 20 South, Range 3 West and the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 20 South, Range 3 West more particularly described as follows:

Begin at the Southwest Corner of Section 25 and run N 90°00'00" E along the South line of said Section 25 a distance of 130.60 feet to a point on the Westerly right of way line of U.S. Highway 31; thence run N 14°31'00" E along said westerly right of way line a distance of 34.0 feet to the point of beginning of the tract herein described; thence continue N 14°30'57" E a distance of 166.00 feet to a point on the said westerly right-of-way of U.S. Highway 31; thence leaving the said westerly right-of-way of U.S. Highway 31, run N 75°29'00" W for a distance of 269.93 feet to a point on the easterly right-of-way line of the Louisville and Nashville Railroad; thence run S 06°52'30" W and run along said Easterly right-of-way line of the Louisville and Nashville Railroad a distance of 167.49 feet to a point; thence run S 75°29'00" E a distance of 247.66 feet back to the point of beginning.